

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ANN HILTON,

Defendant.

Case No. 2:11-cr-00430-PMP-GWF

**ORDER**

This matter is before the Court pursuant to the Order by Peter L. Shaw, Appellate Commissioner of the United States Court of Appeals for the Ninth Circuit filed on November 4, 2013 in *United States of America v. Ann Hilton*, No. 13-10256, District Court Docket No. 83, in which the Commissioner revoked Appellant Hilton's pauper status. The Order further directed:

Pursuant to court policy, this case is referred to the district court to determine whether appellant should be required to reimburse the Criminal Justice Act Fund for the costs of appellant's appellate defense, including the cost of producing the reporter's transcripts and the fees and expenses of appellant's former appointed counsel. *See* 18 U.S.C. § 3006A(c), (f); 7A Guide to Judicial Policy §§ 210.40.30, 230.36.

This matter was referred to the undersigned to determine whether reimbursement should be ordered. The Court conducted a hearing on December 2, 2013 at which time it heard representations by Defendant's present counsel regarding Defendant-Appellant's financial condition prior to and subsequent to the filing of her Notice of Appeal. The Court directed Defendant-Appellant to submit appropriate declarations or affidavits to support those representations. Defendant's counsel did so on December 16, 2013. *See Defendant's Affidavits Representing Facts Showing that Reimbursement of Criminal Justice Act Fund Unwarranted. (#90).*

1 Defendant's appellate counsel Robert L. Sirianni, Jr. represents in his affidavit that prior to  
2 retaining private appellate counsel, Defendant was represented by the Federal Public Defender. Mr.  
3 Sirianni represents that the only work performed by the Federal Public Defender on Defendant's  
4 appeal was to file the notice of appeal and order the transcripts for the appeal. Defendant thereafter  
5 retained private counsel and the Federal Public Defender withdrew.

6 Defendant Hilton represents in her affidavit that her family continues to have financial  
7 difficulties. She states that her husband became employed on January 1, 2013 after many years of  
8 unemployment and is the sole "breadwinner" of the household. Defendant further represents her  
9 family has received assistance of family and friends to pay their bills. Defendant and her husband  
10 have three dependents, one in college, one in high school and one in junior high school. Defendant  
11 represents that the family continues to struggle to pay their bills and they are two months behind in  
12 paying the fees of their retained appellate counsel. Defendant represents that she has paid the filing  
13 fee for the appeal as directed by the Court of Appeals, but that it was a financial hardship to do so.

14 Based on the foregoing representations, the Court finds that Defendant-Appellate should not  
15 be required to reimburse the Criminal Justice Act Fund for the cost of producing reporter's  
16 transcripts or the fees and expenses of her former counsel.

17 **IT IS SO ORDERED.**

18 DATED this 18th day of December, 2013.

19  
20   
21 GEORGE FOLEY, JR.  
22 UNITED STATES MAGISTRATE JUDGE  
23  
24  
25  
26  
27  
28